IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.12478 OF 2006

Date of decision : September 14, 2006

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Sohan Singh Sethi .....Petitioner

Vs.

Chandigarh Administration & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. S.K Jain, Advocate for the petitioner(s).
Mr. Anupam Gupta, Senior Standing Counsel for Chandigarh Administration with Mr. Vikram Walia, Advocate for respondents no. 1 to 4.

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Viney Mittal, J. (Oral)

The resumption order has been passed against the petitioner on account of the misuser of the premises.

Notice of motion was issued in this case on a plea raised by the petitioner-landlord that the misuser of the premises had already been stopped and the premises in question is being used only for the purpose of residence.

Sh. Anupam Gupta learned counsel appearing for the respondents has produced before us an Inspection report dated September 13, 2006 to the effect that the premises in question is only being used for

residential purpose and no commercial activities are being carried in the same. Inspection report has been taken on record as Annexure-A.

In view of the stand taken by the petitioner as fortified by the inspection report, we allow the present petition and quash the resumption order qua the premises in question. As a consequence thereof the eviction order passed against the petitioner shall also stand quashed and the premises in question shall stand restored back to the petitioner.

Learned counsel for the petitioner on instructions has also undertaken that in future also, the petitioner shall not use the premises in question for any other purpose except residence.

Disposed of accordingly.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 14, 2006
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(H.S BHALLA)
JUDGE